



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,401	02/06/2002	Helen Bucknall	FBRIC25.001AUS	4791

20995 7590 12/02/2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary	Application No. 10/072,401	Applicant(s) BUCKNALL ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed September 2, 2004 has been received. According to the Amendment, claims 1, 2, 4, and 9-13 have been amended. Currently, claims 1-13 are pending in the application.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristocrat Leisure Industries (WO 99/64997) in view of Buxton et al. (6,118,427).

WO 99/64997 teaches method and system for enhancing a screen display of a gaming machine comprising: creating a background scene for a game screen of a spinning reel game, the spinning reel game comprising a video representation of a plurality of spinning reels, each reel comprising a set of symbols (formed by plurality of symbols randomly selected and displayed); creating a plurality of composite symbols to overlaid the background scene, the composite symbols forming the symbols of the reels (animated line, page 2, lines 9-32); and at least a portion of each composite symbol transparent to enable the background scene to be viewed through the composite symbol (i.e., the transparent portion between the shoe and the heel of the footsteps,

figs.4a-4c); rendering a carrier (background of footsteps including the transparent portion of the footsteps) of each of at least certain of the composite symbols (footsteps) transparent; causing the composite symbol itself to be flashed on and off directly on top of the underlying part of the background scene so that the background scene remains visible and any background animations continue while the composite symbol (animated line) flashes; placing a flashing composite symbol animation (animated line) on top of the part of the background scene (formed by plurality of symbols randomly selected and displayed) to provide a flashing composite symbol. WO 99/64997 does not explicitly teach the limitations of rendering the portion of each composite symbol transparent by a software implementation (claim 3); setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4); employing an objects based graphics system for development of the composite symbol with portions of the composite symbol being rendered opaque (claim 5); placing a part of the background scene over the composite symbol (claim 7).

Buxton et al., however, teaches a graphical user interface comprising the limitations of rendering the portion of each composite symbol transparent by a software implementation (see the abstract and 3:36-4:56); producing transparency levels, alpha blending (11:1-12:67; 16:63-17:33); employing an objects based graphics system for development of the composite symbol (non-surface components 1404) with portions of the composite symbol (non-surface components 1404) being rendered opaque (14:1-14). Buxton et al, further teaches rendering at least a portion of each non-surface

components 1404 transparent to enable the background scene to be viewed through the composite symbol (Figures 1, 2, and 14).

Note that, the term "carrier" is considered as the background of each symbol or the symbol's bounding box.

Further, note that, the limitations of placing a part of the background scene over the composite symbol (claim 7), e.g., switching graphic layers to create animation effects such as flashing; and setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4), e.g., setting the alpha channel of a graphic to certain desired ranges to control the transparency level of certain designed graphic are notoriously well known in the graphic design industry. See also, Buxton et al.'s 2:32-3:19.

Furthermore, it is notoriously well known in the game industry to use transparency graphics, e.g., transparent GIF, animated GIF, or transparency graphics setting from different graphical user interface (GUI) packages.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize Buxton et al. 's graphical user interface to generate graphics for the gaming system and method of WO 99/64997 to come up with a gaming machine having attractive graphical affects thus attract more players and increase profit.

4. Applicant's arguments filed September 2, 2004 have been fully considered but they are not persuasive. Note, applicant's argument regarding Aristocrat (WO 99/64997)

Art Unit: 3713

not teaching a symbol with transparent part (applicant's remarks, page 7, last paragraph to page 8, first three paragraph) is not persuasive. Aristocrat does teach the symbol of footsteps each having transparent portion, i.e., the transparent part between the heel and the toe (Fig. 4a). Further, the carrier as claimed by the applicant is considered as the background of each symbol or the symbol's bounding box.

Furthermore, applicant's arguments regarding Buxton not teaching a symbol having transparent portion such that a part of the background scene visible through the symbol is not well taken. This limitation has been taught by Aristocrat as pointed out above. This limitation, however, is also taught by Buxton, e.g., Figs. 1, 2, and 5.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (applicant's remarks, pages 9-12), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Since Aristocrat teaches a system and method for enhancing a screen display of a gaming machine having video spinning reel game comprising a set of symbols overlaid on the background scene; and Buxton teaches a graphical generating system and method having transparency adjustments, it would have been obvious to provide the graphic generating technique of Buxton to the symbols and background scenes of Aristocrat's video gaming machine to enhance graphical effects of the game.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN



XUAN M. THAI
PRIMARY EXAMINER
TC3700